IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 7765 of 2005

Between:

1. S.Mohan, s/o S.Viswanadham, r/o 7-74, Yellapuvanipalem, Gopalapatnam, Visakhapatnam-530 027.

2. B.Eswar Rao, s/o B.Rama Rao, r/o D.No.58-13-63, NAD Kotha Road, Visakhapatnam-530 009.

3. S.K.Goswamy, s/o R.C.Goswamy, FF-11, r/o Meghadripeta Colony, Visakhapatnam-530 008.

..... PETITIONERS

AND

1. Union of India, represented by its Secretary, Ministry of Defence, New Delhi-110 001.

2. Flat Officer Commanding-in-Chief, Headquarters, Eastern Naval Command, Naval base, Visakhapatnam

3. Admiral Superintendent, Naval Dockyard, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ order or direction particularly one in the nature of CERTIORARI calling for the records in pursuance of order dated 28-07-2004 in O.A. No.1213 of 2002 on the file of the Honourable Administrative Tribunal, Hyderabad Bench,

Hyderabad and by nullifying the same as illegal, arbitrary, unconstitutional, discriminatory direct the respondents to regularize the services of the petitioners herein as M.T. Drivers in the requisite pay scale duly extending all the benefits including the Pay scales as applicable to the similarly placed regular employees of the respondent establishment, together with all attendant and consequential benefits and pass such other relief or reliefs as this Honourable Court may deem fit just and proper in the circumstances of the case.

Counsel for the Petitioners: DR.P.B.VIJAY KUMAR.

Counsel for the Respondents: SMT.C.VANI REDDY.

The Court at the stage of admission made the following :

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

-

-

W.P.NO.7765 OF 2005

-

-

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

The unsuccessful petitioner-applicants in O.A.No.1213 of 2002 on the file of the Central Administrative Tribunal, Hyderabad, are the petitioners.

The abovementioned O.A. was filed seeking a direction to the respondents herein to regularize the services of the applicants as Motor Transport Drivers extending all the benefits including pay scale etc. The respondent contested the application on the ground that there is no employer-employee relationship between the Union of India and the applicant-petitioners herein. According to the counter filed by the respondent in the Tribunal, the employer of these petitioners was the Meghadripeta Defence Civilians Colony Residents' Association and the applicants are being paid from the income generated by the said Association.

In the background of the abovementioned facts and after consideration of the entire

material available on record, the Tribunal came to the following conclusion:

> "Thus, there is no material on record to accept the contention of the learned counsel for the applicants that the applicants are directly employed by the 2nd respondent in their organization as MT Drivers/Conductors and therefore, they are entitled to seek for regularization of their services."

Nothing is brought to our notice to demonstrate that the above extracted finding warrants interference of this Court.

In the circumstances, we do not see any merit in the writ petition and the same is accordingly, dismissed at the stage of admission. No costs.

J.Chelameswar, J

M.Venkateswara Reddy, J

26th July 2005

mrk

To

1. The Secretary, Ministry of Defence,Union of India, New Delhi-110 001.
2. Flat Officer Commanding-in-Chief, Headquarters, Eastern Naval Command, Naval base, Visakhapatnam
3. Admiral Superintendent, Naval Dockyard, Visakhapatnam.
4. Two CD copies.

*Form-NIC-OGS/WP{**RS**}*